

Docket No.: 064693-0103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 33401
SHEHADA, RAMEZ EMILE NECOLA	:	Confirmation Number: 9078
Serial No.: 10/776,021	:	Group Art Unit: 3761
Filed: February 09, 2004	:	Examiner: HAND, Melanie Jo
For: SURGICAL DRAIN WITH POSITIONING AND PROTECTIVE FEATURES	:	

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office On May 22, 2006.


Jessica Brown

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the additional references listed on the attached supplemental Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references supplement the references cited in the Information Disclosure Statement, filed June 13, 2005, March 28, 2005, and December 28, 2004. These references may be material to examination of the above-identified application. Please do not construe the filing of this Information Disclosure Statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We enclose a copy of the cited non-US patent document.

This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;
- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
- ☒ (a) A statement that either:
- (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- OR
- ☐ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- ☐ (a) A statement that either:
- (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501946** referencing order number 64693-103-6806

May 22 2006



Marc E. Brown, Reg. No. 28,590
Attorney for Applicant

MCDERMOTT WILL & EMERY LLP
2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Fax: (310) 277-4730

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/776,021
				Filing Date	February 9, 2004
				First Named Inventor	SHEHADA, Ramez Emile Necola
				Art Unit	3761
				Examiner Name	HAND, Melanie Jo
				Attorney Docket Number	064693-0103
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Number -Kind Code ² (if known)			
	1	US-3,030,953	04-24-1962	KOEHN	
	2	US-3,515,137	06-02-1970	SANTOMIERI	
	3	US-3,537,451	11-03-1970	BECK	
	4	US-3,614,737	10-19-1971	SADOWSKI	
	5	US-4,432,365	02-21-1984	LEIST	
	6	US-4,684,694	08-04-1987	BREUER et al.	
	7	US-4,699,146	10-13-1987	SIEVERDING	
	8	US-6,751,499	06-15-2004	LANGE et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	9	ES-2,154,241	03-16-2001	AGUILO et al.	Yes (PTO)

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language translation is attached.